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EXAMINER

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| ART UNIT | PAPER NUMBER |
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3635

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/983,043

Applicant(s)
GEORGES GOSSELIN ET AL.

Examiner
YVONNE M. HORTON

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3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 22, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in CANADA on 04/22/1999. It is noted, however, that applicant has not filed a certified copy of the CANADIAN application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- No Good*
3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 493,635.

GB 493,635 discloses the use of a joist including upper (10) and lower (11) vertically spaced chords interconnected by a succession of tension (12) and compression (13) webs extending therebetween. The tension (12) and compression (13) webs each have flat ends (19) bolted (20) respectively to the upper (10) and lower chords (11). In regards to claim 2, it is inherent that the flat ends (19) of the compression (13) and tension (12) webs have holes formed therein for receipt of the bolts (20), page 3, lines 46-53. In reference to claim 3, the tension (12) and compression (13) webs are connected at nodal points by a single bolt (20). Regarding claim 4, the tension (12)

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and compression (13) webs include intermediate sections (I) and the flat ends (19) extend in opposite directions, see Figure 1. In reference to claim 5, the flat end (19) of the compression web (13) extend inwardly of a corresponding flat end (19) of a tension web (12) wherein the tension (12) web is bolted to the compression web (13) through holes inherent in flat ends (19). Regarding claim 6, the compression web (13) is Z-shaped including an intermediate portion (I) and opposing flat ends (19). In reference to claim 7, the tension (12) and compression (13) webs extend in opposed diagonal directions. Regarding claims 8-11, the bolts (20) extend through a load transferring member (20) having a portion (21, 22) that bears against the intermediate portion (I) and is offset with respect to the load transferring means (20).

12 GB 4. Claims 17-20,22,23,26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 493,635. GB 493,635 discloses the method of manufacturing a joist because the structure inherently suggests including the steps of providing a plurality of chords (10, 11) and webs (12, 13) by roll forming into shape (page 2, lines 63-70, cutting to predetermined lengths, flattening the ends (19), bending in opposing directions and punching holes therethrough, assembling the webs (12, 13), and bolting the flattened ends (19) together. Regarding claim 23 it is inherent that the chords are cleaned after punching in order to clear away any unwanted metal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

NO GB
GB 7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 483,635 in view of US Patent #5,003,748 to CARR. As detailed in paragraph 3 above, GB 493,635 discloses the basic claimed joist except for the use of an eccentric washer. Although GB 493,635 does not use an eccentric washer as a load transferring means, eccentric washers are old and very well known in the art for their use in transferring loads. CARR teaches that it is known in the art to provide a joist with chords (11) spaced by web members (12) and secured with eccentric washers (20, 21) as load transferring means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the joist of GB 493,635 with the eccentric washer of CARR in order to provide additional load support at the nodal points.


8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,621,475 to McCLAIN. McCLAIN discloses a joist (50) including L-shaped upper (52) and lower (54) chords spaced by compression (24) and tension (25) webs each having flat ends (44)

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secured to the vertical leg (62) of the L-shaped chords (52, 54). McCLAIN discloses the basic claimed joist except for the webs being bolted to the vertical leg of the L-shaped chord. Although the webs of McCLAIN are welded to the chords, McCLAIN discloses in column 3, line 55 that the webs may be welded "or the like". Bolting is an art recognized equivalent means for securing metal members together. Thus, it would have been obvious to one having ordinary skill in the art that the webs of McCLAIN could be bolted to the vertical leg of the chord.

9. Claims 21,24,25,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 493,635. As detailed in paragraph 4 above, the structure of GB 493,635 inherently discloses the method of forming a joist except for explicitly detailing the production thereof in parallel lines, painting the chords and webs, passing through infrared oven, and applying indicia. Although GB 493,635 does not disclose these steps they are all steps of design choice except for the use of an infrared oven and this step becomes inherent once the chords and webs are painted.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.


Yvonne M. Horton
Primary Examiner
Art Unit 3635
April 22, 2002